

May 20, 1991

REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL

CLOSED SESSION FOR APPOINTMENT OF PLANNING DIRECTOR; APPLICATION  
OF THE PERSONNEL EXCEPTION OF THE BROWN ACT

The Council has scheduled a special meeting at 1:30 p.m. today, May 20, 1991, for the purpose of conducting a closed session regarding the selection of a new Planning Director. The San Diego Union has questioned the propriety of such session in its letter of May 17, 1991, copy attached. We believe the Council may meet in closed session to select a new Planning Director.

In a memorandum to you dated May 13, 1985, copy attached, relating to the appointment of a new City Manager, I advised you that the Brown Act's "personnel" exception does not permit establishment or discussion of the process or procedure to be used for the selection of a new City Manager. I did advise, however, that the selection of a new City Manager falls within the personnel exception. That is also applicable to a new Planning Director. The distinction between process and selection must be recognized.

During your closed session today, you may discuss candidates for such selection. If you thereafter desire to establish a process for selection among candidates, that should be conducted in public. In conjunction with that, section 54957.1 of the California Government Code requires that you publicly report at the "public meeting during which the closed session is held or at its next public meeting any action taken, and any roll call vote thereon, to appoint . . . a public employee arising out of any closed session . . . ."

Respectfully submitted,  
JOHN W. WITT  
City Attorney

JK:mmm:072:312:(x043.1)  
Attachments  
RC-91-27